



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,645	12/22/1999	NICK N. NIKOLS	26530.6	6402

27683 7590 10/03/2003

HAYNES AND BOONE, LLP  
901 MAIN STREET, SUITE 3100  
DALLAS, TX 75202

EXAMINER

CAO, DIEM K

ART UNIT	PAPER NUMBER
----------	--------------

2126

DATE MAILED: 10/03/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/470,645

Applicant(s)

NIKOLS ET AL.

Examiner

Diem K Cao

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7,9-11,13,15,18-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7, 9-11, 13, 15, 18-20, 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

1. This Office Action is in response to the Request for Continued Examination Under 37 CFR 1.114.
2. Claims 7, 9-11, 13, 15, 18-20, 22 remain in the Application. Applicant has amended claims 7, 9-11, 13, 15, 18-20 and 22 and cancelled claims 1-6, 12, 14, 16-17, and 21.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/8/2003 has been entered.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7, 9, 10, 18 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitations "the application" in page 3, line 5 and "XML data" in page 3, line 9 and line 11. There is insufficient antecedent basis for this limitation in the claim. Examiner was not sure whether the limitation "the application" refers to "an application" on page 2, or "an application" on page 3. Applicant could use the term "a first application" and "a second application" for clear distinguish between two applications. Also the limitation "XML data"

Art Unit: 2126

could referring to either "XML data representing the first event", "XML data representing the second event", or "XML data representing the third event"

Claims 9 and 10 recite the limitation "the application" which suffers the same problem as discuss in claim 7 above.

Claim 18 recites the limitation "software for transforming the application event to the second predetermined format by using a generic transformation tool and the first transformation profile" in which the examiner thinks the limitation should be "software for ... the first predetermined format ... the first transformation profile". The assumed limitation will be used for the rejection purpose. Claim 18 also recites the limitations "the predetermined format" and "the transformation profile" which lacks antecedent basic for the limitations.

Claim 22 recites the limitations "the event" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Correction is required.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15, 18-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meltzer et al. (U.S. 6,125,391) in view of Ellesson et al. (U.S. 6,101,541).

**As to claim 15**, Meltzer teaches receiving an event from an application (input document is received at the network interface from an originating participant node; col. 83, lines 29-44)

Art Unit: 2126

prior to receiving event data from the server (the output document is sent to a participant node; col. 83, lines 29-44), converting the event into markup language data (all the document received in non-XML syntaxes are translated into XML; col. 84, lines 16-33), transforming the event to a predetermined format by a transformation processor (the XML documents are passed to the processor 1502 which translates them into the JAVA format; col. 84, lines 45-47), the predetermined format being responsive to the server (the document is translated to the format of the host, for example XML to JAVA; col. 83, lines 29-44), providing a transformation profile to the transformation processor (BID data; col. 84, lines 33- 63 and XSL style sheet; col. 81, lines 24-43), the transformation profile including formatting instructions for transforming the markup language data to the predetermined format (translation rules for translating ... compiling the BID data; col. 84, lines 33-63), and transmitting the transformed event to the server (document service, back end system; col. 84, lines 50-67).

However, Meltzer does not teach a distributed directory, Meltzer teaches the market maker server node functions as a distributed directory (The market maker is a server ... legacy systems; col. 82, lines 58-67). Ellesson teaches (col. 5, line 52 - col. 6, line 3) an event (request) from an application (client node) is transmitted to a directory (directory server 103).

It would have been obvious that the market maker in the system of Meltzer could be a distributed directory as taught by Ellesson because the distributed directory also offers client with much more functionalities such as eliminate of server overload and encrypted data.

**As to claim 18**, Meltzer teaches a first processor (market maker 15 node, computer, processor; col. 9, lines 9- 44) connected to a network (internet 19; col. 9, lines 9-44) for executing computer code (computer program; col. 9, lines 9-44), a second processor (market

Art Unit: 2126

participant 12, computer, processor; col. 9, lines 9-44) connected to the network (internet 19; col. 9, lines 9-44) for executing computer code (computer program; col. 9, lines 9-44), a first memory connected to the first processor (memory; col. 9, lines 9-44), a second memory connected to the second processor (memory; col. 9, lines 9-44), a market maker, a portion of which being stored in the first memory (the market maker nodes include ... BID registry; col. 9, lines 35-37), an application (market participants), a portion of which being stored in the second memory (market participants include resources ... to be traded; col. 9, lines 29-34), a first transformation profile for defining a first predetermined format for use by the distributed directory (BID data; col. 84, lines 33- 63 and XSL style sheet; col. 81, lines 24-43), a second transformation profile for defining a second predetermined format for use by the application (XSL style sheet; col. 81, lines 24-43), software for detecting a directory event in the distributed directory (the router 1104, participant registry, document filter, listeners; col. 82, lines 26-50 and event listener; col. 10, lines 46-65 and Fig. 11), software for detecting an application event in the application prior to detecting the directory event (event listeners; col. 26, lines 40-57), software for transforming the application event to the first predetermined format by using a generic transformation tool and the first transformation profile (A business interface definition compiler ... into the JAVA format; col. 84, lines 38-47), software for providing the transformed application event to the market maker server (document router 1503, event listener, document service; col. 84, lines 47-67), software for transforming the market maker server event to the predetermined format by using a generic transformation tool and the transformation profile (translator 1103; col. 82, lines 51-57, the output data of the service is converted to the document format; col. 83, lines 29-44, compiler BIDC 1507; col. 84, lines 34-67), software for providing the transformed market maker server

Art Unit: 2126

event to the application (router 1104; col. 82, lines 40-57), whereby the market maker server becomes aware of the application event by having the application event provided to the market maker server in a transformed state (receipt input document in java format; col. 84, lines 16-67) and whereby the application becomes aware of the market maker server event by having the market maker server event provided to the application in a transformed state (the output .. sent to a participant node; col. 83, lines 29-44).

However, Meltzer does not teach a distributed directory, Meltzer teaches the market maker server node functions as a distributed directory (The market maker is a server ... legacy systems; col. 82, lines 58-67). Ellesson teaches (col. 5, line 52 - col. 6, line 3) an event (request) from an application (client node) is transmitted to a directory (directory server 103).

It would have been obvious that the market maker in the system of Meltzer could be a distributed directory as taught by Ellesson because the distributed directory also offers client with much more functionalities such as eliminate of server overload and encrypted data.

**As to claim 19**, Meltzer teaches software for converting the directory event to a generic data description before transforming the directory event (document to host and host to document translation; col. 82, lines 26-50 and the output is converted to the XML format; col. 83, lines 41-44).

**As to claim 20**, Meltzer teaches an application shim for the application to receive the transformed directory event and provide the directory event to the application by using a native application program interface for the application (several different target form; col. 81, lines 24-44).

As to **claim 22**, Meltzer teaches (col. 82, lines 26-50) the generic transformation tool utilizes a markup language (XML document) and the software for transforming the event and the application event utilizes a transformation processor (a document to host and host to document translator).

8. Claims 7, 9-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meltzer et al. (U.S. 6,125,391) in view of Ellesson et al. (U.S. 6,101,541) further in view of "Official Notice".

As to **claim 7**, Meltzer teaches receiving a first event from an application (a market participant document is accepted at the network interface; col. 83, lines 45-47), converting the first event into XML data representing the first event (all the document received in non-XML syntaxes are translated into XML; col. 84, lines 16-33), transforming the XML data representing the first event to a first predetermined format by the transformation processor (the parsed document is translated into the format of the host), the first predetermined format being responsive to the distributed directory (the document is translated to the format of the host, for example XML to JAVA), transmitting the transformed XML data representing the first event to the distributed directory (the document is passed to the router service ... registration service; col. 83, lines 52-59), after receiving the first event from the application, receiving a second event from the distributed directory into an XML generator (registration acknowledgment ... to a document format; col. 83, lines 62-64 and document to host and host to document translation; col. 82, lines 26-57), converting the second event into XML data representing the second event (the registration acknowledgment data is converted to a document format; col. 83, lines 63-64), transforming the XML data representing the second event (translating ... host system; col. 23,



Art Unit: 2126

lines 51-63) to a second predetermined format by the transformation processor (translator module 302; col. 23, lines 51-63), the second predetermined format being responsive to an application running in the computer network (translating ... host system; col. 23, lines 51-63), transmitting the transformed XML data representing the second event to the application (commercial functions 305, database functions 306, etc.; col. 23, line 64 – col. 24, line 53), style sheet including instructions for transforming XML data to the predetermined format (XSL style sheet; col. 81, lines 24-44).

Although Meltzer does not explicitly teach after receiving the first event from the application, receiving a third event from the distributed directory into an XML generator, converting the third event into XML data representing the third event, transforming the XML data representing the third event to a third predetermined format by the transformation processor, the third predetermined format being responsive to an application running in the computer network, and transmitting the transformed XML data representing the third event to the application, they are inherently taught in the system of Meltzer because there are multiple market participants.

However, Meltzer does not teach a distributed directory, Meltzer teaches the market maker server node functions as a distributed directory (The market maker is a server ... legacy systems; col. 82, lines 58-67). Ellesson teaches (col. 5, line 52 - col. 6, line 3) an event (request) from an application (client node) is transmitted to a directory (directory server 103).

It would have been obvious that the market maker in the system of Meltzer could be a distributed directory as taught by Ellesson because the distributed directory also offers client with much more functionalities such as eliminate of server overload and encrypted data.

However, Meltzer does not teach providing a first style sheet to an XSLT processor, the stylesheet including formatting instructions for transforming XML data to the first predetermined format, and providing a second stylesheet to the XSLT processor, the second stylesheet including formatting instruction for transforming XML data to the second predetermined format wherein the first stylesheet is different from the second stylesheet. "Official Notice" is taken that the art and advantage of XSLT and XSLT processor is well known and widely applied in the art, and it would have been obvious to apply the teaching to the system of Meltzer because it provides a method to convert the same data need into different representations of XML because not all companies use the exact same programs, applications and computer systems.

**As to claim 9**, Meltzer teaches receiving update to the first stylesheet responsive to any change in either the distributed directory or the application (the business interface ... kept up to date; col. 25, lines 34-43).

**As to claim 10**, Meltzer teaches the transformed XML data representing the second event is transmitted to the application through an application shim to provide the transformed XML data representing the second event to the application by using a native application program interface for the application (several different target form; col. 81, lines 24-44).

**As to claim 11**, Meltzer teaches instruction for detecting the second event through notification from an event handler of the distributed directory (event listener; col. 10, lines 46-65 and Fig. 11).

**As to claim 13**, Meltzer inherently teaches providing a third stylesheet to the XSLT processor, the third stylesheet including formatting instructions for transforming XML data to the third predetermined format.

Art Unit: 2126

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K Cao whose telephone number is (703) 305-5220. The examiner can normally be reached on Monday - Thursday, 9:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6296 for regular communications and (703) 305-9731 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Or fax to:**

- AFTER-FINAL faxes must be signed and sent to (703) 746-7238.
- OFFICIAL faxes must be signed and sent to (703) 746-7239.
- NON-OFFICIAL/DRAFT faxes should not be signed, please send to (703) 746-7140.

Diem Cao  
September 30, 2003



**JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**